

## COUNCIL MINUTES

**April 21, 2014**

Council Chambers

7:00 P.M.

**7:00 P.M.** - President Ellington called the April 21, 2014 Newark City Council Meeting to order

**ROLL CALL-** Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubb, Mr. Cost

**INVOCATION** – Mr. Johnson

**PLEDGE OF ALLEGIANCE**

**CAUCUS**

**MINUTES-** April 7, 2014 Motion by Mr. Rath, second by Mr. Bubb to approve the minutes of the April 7, 2014 Newark City Council Meeting as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same. Motion carried by acclamation.

**REPORTS STANDING COMMITTEES**

Finance- **Received and Filed**

Service- **Received and Filed**

Ways & Means- **Received and Filed**

**REPORTS CITY OFFICIALS**

**City Auditor, Stephen E Johnson-** Operating report for the period ending March 31, 2014- **Received and Filed**

**COMMUNICATIONS**

**Richard Saylor-** 110 Stoning Pl, sent a letter stating that we need more revenue for our streets, additional Police Officers, Firefighters and a minimum of 2 more people in Property Maintenance. He stated he didn't care how the funds were raised he would pay his fair share. - **Received and Filed**

**Ohio Division of Liquor Control-** an application was received for the transfer of a liquor license from Paradise Bound LLC to N & B LLC, DBA Side Street Corral- **Received and Filed**

**COMMENTS FROM CITIZENS**

**Jim Amore-**647 Evans St, Newark, I see you have on your agenda you have an expense of about \$50,000.00 for computer hardware and software and as you can see with this article that we are passing out that a lot of companies are going with a free operating system. Linux Base is one of them but it is open source. As you can see the first line is U. S. Federal Courts, they have been doing it since 2003. You can actually use the computers you have now. All you have to do is load up the free software on your computers so there wouldn't be any replacing of the computers. This is just something that we think that the Council needs to think about before you spend a lot of money replacing computers. We are always trying to cut the budget and here is one place you can really cut it big time right there. It is a safer and more secure operating system than some of the other operating systems. If you need any more information you have business cards. You can get a hold of one of us or check with the computer society. We have a Linux group that meets and we teach Linux.

**James Childers-**1550 Lamae, he asked that the City tear down the building across from Whites Field that has been a flea market for years on 11<sup>th</sup> St. He suggested the space be used for parking when Newark has football games. He announced his block watch was in full swing and that they were going to have a county wide meeting next month at the church with block watch captains. He thanked the Parks Department for the Levin sign that they put up. He is working on getting a recycling bin at the Park.

## **ORDINANCES ON SECOND READING**

**BY: Mr. Cost, Mr. Marmie, Mrs. Floyd, Mr. Rath, Ms. Hall**

**14-07** AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF **\$48,768.56** INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

**Motion by Mr. Cost to adopt Ordinance No. 14-07, second by Mr. Marmie**

**Motion to adopt passed by a vote of 10-0.**

## **RESOLUTIONS ON THE SECOND READING**

**BY: Mr. Blake, Mr. Cost, Mr. Marmie, Mrs. Floyd**

**14-23** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund-\$40,784.40: Summer Youth Program; 100 General Fund-\$671.99: Insurance check for broken water pipe at Hollander Pool; 100 General Fund-\$1,000.00 Courthouse Square beautification; 293 AG Demo Grant Fund-\$6,536.13: Phase II for Buckeye Lake share of AG Demo Grant**)

**Motion by Mr. Blake to adopt Resolution No. 14-23, second by Mrs. Floyd**

**Motion to adopt passed by a vote of 10-0.**

**By: Mr. Rath, Mr. Cost, Mr. Marmie, Mrs. Floyd, Ms. Hall**

**14-25** A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO

**Motion by Mr. Rath to adopt Resolution No. 14-25, second by Mr. Cost**

**Mr. Guthrie-** I am glad to have this before us and I am grateful to the administration for doing everything possible to convey this to the County and to frankly get rid of this dog.

**Motion to adopt passed by a 10-0 vote.**

**By: Mr. Cost, Mrs. Floyd, Mr. Marmie, Mr. Rath, Ms. Hall**

**14-26** A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

**Motion by Mr. Blake to adopt Resolution No. 14-26, second by Mrs. Floyd**

**Mr. Blake-**there are 6 very worthy organizations that the City will be partnering with. I congratulate the Mayor and the administration for working with these groups it is going to help a lot of homeless folks, community gardens and downtown especially with funding going to the CIC. I urge support of the resolution.

**Motion to adopt passed by a vote of 10-0.**

**By: Mr. Cost, Mrs. Floyd, Mr. Marmie, Mr. Rath, Ms. Hall**

**14-28** CONSENT LEGISLATION FOR DEMOLITION OF STRUCTURES LOCATED AT CHERRY VALLEY ROAD IN THE CITY OF NEWARK. THIS WORK WILL BE PERFORMED AS A PART OF CHERRY VALLEY ROAD AT STATE ROUTE 16 INTERCHANGE PROJECT

**Motion by Mr. Cost to adopt Resolution No. 14-28, second by Mr. Rath**

**Motion to adopt passed by a 10-0 vote.**

## **RESOLUTIONS ON THE FIRST READING**

**By: Mr. Blake, Mr. Cost, Mrs. Floyd**

**14-29** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR A COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM GRANT AWARD FOR FEDERAL FISCAL YEAR 2014.

**Held for a Second Reading**

**By: Mr. Blake, Mr. Cost, Mrs. Floyd**

**14-30** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FISCAL YEAR 2015 OHIO TRAFFIC SAFETY GRANT PROGRAM.

**Held for a Second Reading**

**By: Mr. Blake, Mr. Cost, Mrs. Floyd**

**14-31** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (152 Budget Stabilization Fund:\$20,000.00 OPT; 100 General Fund: \$20,000.00 Professional Services; 261 Court Computerization Fund:\$50,000.00- Computer/Hardware & Software)

**Motion to waive the two day reading rule on Resolution No. 14-31 by Mr. Blake, second by Mrs. Floyd**

**Mr. Blake-** it was discussed by the Judge that part of this computer purchase is because Windows XP is no longer going to be supported so they need to get upgraded to Windows 7.

**Motion to waive the two day reading rule passed by a 9-1(Mr. Guthrie) vote**

**Motion to adopt Resolution No. 14-31 by Mr. Blake, second by Mrs. Floyd**

**Mr. Marmie-** Mr. Amore I appreciate the information that you brought forward. Just a little bit of history of the funding for the Courts. A portion of what they receive in as far as revenue automatically goes into what is called their computerization fund and it has to be used on hardware and software. The Courts are a little different. We do vote on their funding however if the judge wants it bad enough he can basically order us to do it. So get the information to him and discuss it with him. In reality we have no power of them really other than to stall this. Therefore I am going to have to support this even though there is possibly something else that could be done.

**Motion to adopt passed by a 10-0 vote**

**By: Mr. Blake, Mr. Cost, Mrs. Floyd**

**14-32** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (621 Water Dept:\$71,700.00-Professional Service; 621 Water Dept:\$10,000.00-Software; 100 General Fund: \$5,513.80-Services General; 100 General Fund:\$17,463.47- OPT AG Demo Grant; DISAPPROPRIATION 100 General Fund:\$17,463.47-OPT CI; 293 AG Demo Grant Fund:\$17,463.47-Services General)

**Held for a Second Reading**

**By: Mr. Cost, Mrs. Floyd**

**14-33** A RESOLUTION AUTHORIZING THE CLERK OF COUNCIL TO SUBMIT A REQUEST TO THE LICKING COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF NEWARK, OHIO AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED FROM AN ADDITIONAL TAX OF 2 MILLS.

**Held for a Second Reading**

**By: Mr. Cost, Mrs. Floyd**

**14-34** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

**Held for a Second Reading**

**By: Mr. Cost, Mrs. Floyd**

**14-35** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE 2014 TRANSPORTATION ALTERNATIVES PROGRAM TO PARTIALLY FUND THE STATE ROUTE 13 STREETScape AND BRIDGE ENHANCEMENT PROJECT

**Motion to waive the two day reading rule on Resolution No. 14-35 by Mr. Cost, second by Mrs. Floyd**

**Mr. Cost**-my understanding is that there is an application deadline of May 4<sup>th</sup> for the ODOT so we will need to expedite this

**Motion to waive the two day reading rule passed by a 10-0.**

**Motion to adopt Resolution No. 14-35 by Mr. Cost, second by Mrs. Floyd**

**Motion passed to adopt by a 10-0 vote.**

#### **CITIZENS COMMENTS**

**Dorothy Flowers**- S 23<sup>rd</sup> St, I don't know whether the City gets any money from license plates but there are a lot of people driving around with expired tags on their cars. If something could be done about that I think that it could bring in more revenue. There are a lot of yard sale signs being left out. I think that when someone applies for a yard sale permit they should be told if they don't take down their yard sale sign there will be a \$3.00 a day fee for everyday the sign is left up after the sale.

**Ken Blaney**-1407 Misty Glen, I live in a subdivision that has either one, two or three phases in it of Deer Run. There is also a retention pond in this subdivision. That retention pond has City storm water that drains into it and it appears there are other entities that drain into that retention pond. It looks like the water shed from High Point, from Jonathan Lane, and also Russet drain into that. I thought that the City Storm Water would be maintaining that especially since it drains from multiple subdivisions and multiple entities. For many, many years a home owners association has charged each of us \$50.00. I have questioned that for many years but I have been paying my \$50.00. It appears that there are other people that don't agree with that and now we have legal action. I would like to find out sometime from somebody at the City why we are asked to maintain something that is not ours alone. I don't think that this has ever been resolved and it might take a while. I would think that it would be something that would be the City's responsibility.

**Mr. Ellington**- directed Mr. Blaney to either Brian Morehead or Roger Loomis but Director Rhodes stated he would take care of it.

**Paul Moran**- 63 N 4<sup>th</sup> St, asked if there was a date yet for the beginning of construction on our downtown fire station. He also commented on the Wilson St bridge that has concrete deteriorating, a water pipeline in front of 92 Union St that doesn't have a cover, a water leak from 225 to 237 Central Ave, large trees against Everett Ave bridge posts in the river and a walk bridge that was taken out over Log Pond Run on Buckingham St by W Shields which he inquired when and if it was to be replaced.

**Dave McElfresh**- 153 N 39<sup>th</sup> St, I believe there is a resolution on the agenda tonight regarding the new downtown fire station that will come for a vote in two weeks but I don't know if I will be able to be here so I want to express my concerns now. Mainly our staffing, the safety with the staffing being as low as it is and how important that was back when the Safety Levy was passed back in 2000. Staffing was one of the main issues. Very appreciative of this administration working on that new station and don't mean to belittle that by any means, part of the conversation was as a promise to the tax payers to have that new fire station built and I understand that. Looking up some of the documents on the history of that when we were trying to get that levy passed, there was a poll that was done. It basically went through the issues and categorized them by importance. The survey of questions demonstrated that to the voters a new fire station was a low priority. Safety and not having enough fire fighters were top on the list. After the retirement of Greg Coffman we will be down to 74 fire fighters that is a level of pre safety levy. We are already running with the same amount on the streets at the time of the safety levy. I just want to keep that on the radar. I am in no way saying not to move forward with the new building but I think you need to keep that in mind how important staffing and safety was when the citizens voted on this.

**Jim Amore**- 647 Evan St, I wanted to reiterate that I was not trying to supersede anything. You are still running XP which is already non supported and it could crash anytime. I was just letting you know that there are alternatives. It might be 10 years down the road before you can switch over. It is a learning curve. You might as well learn Linux and be free about it. You are

able to refurbish computers; it is a safer operating system and a lot easier to work with. You can bring it in slowly. It is something that the City may want to do in the future to save the citizens some money.

## MISCELLANEOUS

**Mrs. Floyd-** the Downtown Newark Associations Final Friday is this Friday the 25<sup>th</sup>. It is a chocolate walk and if you are a chocoholic you will love it. You can purchase a ticket for \$12.00 from one of the businesses downtown. They are going to sell a total of 175 tickets. Thirty two different businesses in the downtown area will offer chocolate, so if you go to each place you will have 32 pieces of chocolate, not bad for \$12.00. It starts at First Presbyterian Church and goes from 4:00-8:00. If you have not been a Final Friday downtown there is an energy about downtown when there is a Final Friday going on. On May 14<sup>th</sup> at First Presbyterian Church at noon we are having the first of our community meetings. The Mayor will be there to speak and people can have questions and answers with a pretty good lunch.

**Mr. Guthrie-**called for a Recreation Committee meeting and thanks in advance to Mr. Rhodes for being willing to make a presentation to Council and Committee regarding our parks as we go into better weather for 2014. I want to thank Mr. Amore and the other folks that have commented tonight. Mr. Amore if you could email me this document to me so I can make sure that the judges at least have this. I would also like to have a copy of the document Mr. McElfresh you had of when the levy was approved. This is an issue of course that I have mentioned before and there are a lot of folks up here that share my concerns on the direction we are going which is not certainly totally within our control because of the cuts we have endured through the State. It is scary if we look back on the fact that in 2001 when our Safety Levy was actually passed that we actually had more firefighters and police officers I believe than we have today and that includes with the EMS funding. I would hope because it does look like we are going to be down to 74 after this retirement that is coming up. I would certainly hope that we would at least move toward filling the two vacancies that we know are occurring this year with two full time firefighters. If you study the number of people we actually had budgeted for this year in this budget. I know you gave me that number Mike, I can't remember if it was 78 but I know it exceeds this number. I think that we should be filling the vacancies that are occurring at least this year.

**Mr. Marmie-** Mr. Blaney, it is my understanding any kind of retention pond within a development is agreed upon prior to the development being developed. The developer assumes the responsibility of that retention pond until a homeowners association is formed and then the homeowners association is responsible for that. If there is any subsequent development around the area and it is deemed that they have to make any further adjustments to storm water runoff and if it runs into another development than an agreement between those two developments would be made in order to utilize yours for theirs. If the storm water drainage is no different than prior to that development than there will be nothing that needs to be agreed upon. If there are issues with storm water that relate to the storm water sewer system than the City could step in and do something because they do assume responsibility for that. That is my understanding of it as far as what I have been told in the history as far as retention ponds. Mr. McElfresh I appreciate the information. I am very pleased with what the Police and Fire Departments have done as far as maintaining and actually increasing safety within the city limits of Newark. I do agree with a lot of the numbers and I am glad to hear that 100% of the money that was collected for the levy does go towards Police and Fire. It always has and it always will. In addition, the percentage of the General Fund that went to Police and Fire was never reduced and has not been reduced since the levy has passed. However that number has decreased because of course because funding over all has decreased in our General Fund. I do agree with maintaining staffing levels for safety. If you want to throw another number in there the percentage of money and I am not talking budgeted, the percentage of money spent in Police and Fire in the last four years the percentage towards personnel costs has increased therefore it is greater than the percentage of personnel costs that were prior to the levy being passed. I believe this administration is still maintaining the levels that are appropriate. I hope they manage expenses and do everything they can but you only have so much that you can put towards personnel costs. When those personnel costs continue to increase than what happens is there is only so much to go you still have to be able to operate. The Capital Improvement dollars that are being utilized in the borrow money for the fire station unfortunately we can't borrow money to pay people so we can't bond for something like that. I am very pleased with the administration trying to come up with different solutions to maintain our levels of safety and increase our response times in both Police and Fire and making sure our citizens are safe and doing that in a cost efficient manner and still do things with the continued rise in expenses as far as personnel costs. I think that they have to do the best that they can and they are doing a very good job at that.

**Mr. Roletta-** called a Safety Committee meeting. I am also pleased to announce that a representative from the Licking Metropolitan Housing Authority will be doing a short presentation and doing some Q & A at our next Safety Committee meeting this following Monday on safety related issues that her agency deals with.

**Mr. Blake-** called a Finance Committee meeting

**Mr. Cost-** I would like to thank everybody up here and many of these people out here in this room for countless acts of kindness that have come our way. Our family is so appreciative. Thank you very much!

**Mr. Ellington-** our next Committee meeting will be Monday April 28<sup>th</sup> at 5:30 P.M. and our next City Council meeting will be May 5<sup>th</sup> at 7:00 P.M.

**ADJOURNMENT- Motion by Mr. Rath, second by Mr. Cost to adjourn. Adjournment 7:42**